



02/13/01

Docket No. 2455-4376US2  
Express Mail No.A/3  
4/30/01  
JP

jc971 U.S. PTO

09/781445



02/13/01

[AFFIX CUSTOMER NO. LABEL ABOVE]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****UTILITY APPLICATION AND FEE TRANSMITTAL (1.53(b))**COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

- (1) Jack A. Winters  
Middletown, New Jersey 07748
- (2) Justin C. Chuang  
Holmdel, New Jersey 07733
- (3) Nelson R. Sollenberger  
Farmingdale, New Jersey 07727

☐ Additional inventors are listed on a separate sheetFor: SYSTEM AND METHOD FOR SELECTING A TRANSMISSION CHANNEL IN A  
WIRELESS COMMUNICATION SYSTEM THAT INCLUDES AN ADAPTIVE ARRAY

Enclosed Are:

- 36 page(s) of specification
- 1 page(s) of Abstract
- 3 page(s) of claims
- 11 sheets of ☒ Formal ☐ Informal drawings

3 page(s) of Declaration and Power of Attorney

- ☐ Unsigned
- ☒ Newly Executed
- ☐ Copy from prior application
- ☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☒ REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

**UTILITY APPLICATION AND FEE TRANSMITTAL (1.53(b))**

Docket No. 2455-4376US2

☐

**Incorporation by Reference:**

☐

The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

☐

**Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))**

Signed statement attached deleting inventor(s) named in the prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

☐

**Microfiche Computer Program (Appendix)**

☐

page(s) of Sequence Listing

☐

computer readable disk containing Sequence Listing

☐

Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

☒

**Assignment Papers (assignment cover sheet and assignment documents)**

☐

A check in the amount of \$40.00 for recording the Assignment

☒

Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. 2455-4376US2.

☐

Assignment Papers filed in the parent application Serial No. \_\_\_\_\_.

☐

**Certification of chain of title pursuant to 37 C.F.R. §3.73(b)**

☐

**Priority is claimed under 35 U.S.C. §119 for:**

Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (country).

☐

Certified Copy of Priority Document(s) [ \_\_\_\_\_ ]

☐ filed herewith

☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐

English translation document(s) [ \_\_\_\_\_ ]

☐ filed herewith

☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☒

**Priority is claimed under 35 U.S.C. §119(e) for:**

Provisional Application No. 09/480,676, filed January 11, 2000.

☒

**Information Disclosure Statement**

☒

Copy of [1] cited references

☒

PTO Form-1449

☒

References cited in parent application Patent No. 6,052,594, issued April 18, 2000; and divisional application Serial No. 09/480,676, filed January 11, 2000.

☒

**Related Case Statement under 37 C.F.R. §1.198(a)(2)(iii)**

☒

A copy of related pending U.S. Application(s) Serial No(s): 09/480,676, filed January 11, 2000, respectively, is attached hereto.

☐

A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s), respectively, is attached hereto.

☐

A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

# UTILITY APPLICATION AND FEE TRANSMITTAL (1.53(b))

Docket No. 2455-4376

- ☐ Preliminary Amendment
- ☒ Return receipt postcard (MPEP 503)

☒ This is a ☐ continuation ☐ divisional ☒ continuation-in-part of prior application serial no. 09/480,676, filed January 11, 2000, to which priority under 35 U.S.C. §120 is claimed.

- ☐ Cancel in this application original claims \_\_\_\_\_ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☒ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☐ Amend the specification by inserting before the first line the sentence:  
This is a continuation of co-pending application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$710.00/355.00
Total Claims	18- 20 =	0x	\$18.00/\$9.00	\$ 0.00
Independent Claims	2- 3 =	0x	\$80.00/\$40.00	\$ 0.00
<input type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$270.00 (\$135.00)		\$
TOTAL:				\$ 710.00

- ☐ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$\_\_\_\_\_.

**UTILITY APPLICATION AND FEE TRANSMITTAL (1.53(b))**

Docket No. 2455-4376US2

- ☐ A check in the amount of \$ \_\_\_\_\_ in payment of the application filing fees is attached.
- ☒ Charge fee to Deposit Account No. 13-4500 Order No. 2455-4376US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency with the parent application, or credit any overpayment to Deposit Account No. 13-4500 Order No. 2455-4376US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: FEB. 13, 2001

By: Kenneth P. Waszkiewicz  
Kenneth P. Waszkiewicz  
Registration No. 45,724  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

**CORRESPONDENCE ADDRESS:**

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154

# REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

Application No.	TBA
Filing Date	Herewith
First Named Inventor	Jack A. Winters
Group Art Unit	TBA
Examiner Name	TBA
Atty Docket No.	2455-4376US2

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. §122(b).

This request is signed in compliance with 37 C.F.R. §1.33(b) and is being submitted with the application **at the time of filing**.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Kenneth P. Waszkiewicz</i>	Date	FEB. 13, 2001
Name (Print/Type)	Kenneth P. Waszkiewicz	Reg. No. (Atty/Agent)	45,724

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. §122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. §122(b)(2)(B)(iii)).**